

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ROBIN S. HAMPTON, E-97187,

No. C 14-0093 CRB (PR)

Petitioner.

ORDER OF DISMISSAL

(Docket #4 & 5)

On January 7, 2014, the clerk filed as a new prisoner habeas action a declaration by petitioner appearing to challenge his state criminal conviction. On that same date, the court notified petitioner in writing that the action was deficient because he did not file an actual habeas petition and pay the requisite filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application. Petitioner was sent the court's habeas petition form and IFP application form, and was advised that failure to file the requisite items within 28 days would result in dismissal of the action.

On January 22, 2014, petitioner filed an IFP application and, on February 14, 2014, a one-page "motion to reverse sentence" in which he simply states that his unspecified state sentence is unlawful. To date, petitioner has not filed an actual habeas petition or any other document with sufficient information that it may be construed as such.

Based solely on his affidavit of poverty, petitioner's IFP application (docket #4) is GRANTED. But his "motion to reverse sentence" (docket #5) and instant action are DISMISSED without prejudice to filing a new habeas action accompanied by an actual habeas petition.

The clerk shall close the file and terminate docket items 4 and 5.

SO ORDERED.

DATED: Feb. 20, 2014


CHARLES R. BREYER
United States District Judge